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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,687	07/22/2003	Kenzo Sekiguchi	1232-4458US1	5324
27123	7590	11/18/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2622	
DATE MAILED: 11/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,687	<b>Applicant(s)</b> SEKIGUCHI, KENZO	
	<b>Examiner</b> Joseph R. Pokrzywa	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-19,21-30 and 32-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7,9-19,21-30,32-36 and 53 is/are allowed.
- 6) ☒ Claim(s) 37-42,50 and 51 is/are rejected.
- 7) ☒ Claim(s) 43-49 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/13/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/05 has been entered.

### *Response to Amendment*

2. Applicant's amendment received on 9/6/05 has been entered and made of record. Currently, **claims 1-7, 9-19, 21-30, and 32-53** are pending.

### *Information Disclosure Statement*

3. The references listed in the Information Disclosure Statement submitted on 6/13/05 have been considered by the examiner (see attached PTO-1449).

### *Response to Arguments*

4. Applicant's arguments filed 9/6/05, with respect to **claims 37, 50, and 51**, have been fully considered but they are not persuasive.

5. In response to applicant's argument's with respect to independent **claims 37, 50 and 51**, which were rejected in the Office action dated 6/3/05 as being anticipated by Adler *et al.* (U.S.

Art Unit: 2622

Patent Number 6,256,115), whereby applicant argues on pages 18 and 19 that Adler fails to teach of selecting whether to release the public telephone network or whether to continue communication when either destination data or information data is not received within a prescribed time. The examiner notes that this specific limitation was added to independent claim 1, as well as independent claims 13, 25, and 36. Further, claims 43, 52 and 53 now include a limitation that requires "selecting between at least two modes of operation for continuing communication ...". However, independent claims 37, 50, and 51 do not include these limitations, as these claims require "selecting whether to continue communication via said network". After reviewing the reference of Adler, the examiner believes that Adler can still be interpreted as teaching claims 37, 50, and 51.

6. Applicant argues on page 19 that Adler does not allow a user to be presented with a choice to continue upon time-out but instead automatically flows to an "END" block when a time-out occurs. The examiner notes that the feature of allowing a user to select to continue or to be presented with a choice to continue communication is not recited in the current claim language. Further, claim 37 requires "means for selecting whether to continue communication via said network when the destination data is not received within a prescribed time for monitoring signal reception from the network after a session is started via said network". Adler teaches of a means for selecting, being interpreted as the CPU 100, of the NSG 46, as seen in Figs. 2c and 4. Continuing, as seen in Fig. 8, the NSG requests the destination number in step 206 and waits for a reception of the destination number in step 208 or if a time-out has occurred in step 210. As read in column 11, lines 63-67, the program of the NSG will continue to wait until it is determined that "either the destination number has been received or the time-out has

Art Unit: 2622

occurred, the program flowing to an End block 212 if the time-out occurs.” Further, as read in column 11, line 67-column 12, line 2, “[w]hen the destination number is received, the program flows along a “Y” path to a decision block 214 to determine if the destination number is valid.” Thus, with the determination of receiving the destination number within a prescribed time, the CPU of the NSG effectively “selects whether to continue the communication when the destination data is not received within a prescribed time, as currently required in claims 37, 50, and 51.

7. Because of this, the rejection of *claims 37-42, 50, and 51*, as cited in the Office action dated 6/3/05 as being anticipated by Adler *et al.*, is maintained and repeated in this Office action.

#### ***Claim Objections***

8. **Claims 43-49 and 52** are objected to because of the following informalities:

in *claim 43*, line 17, “two mode” should read “two modes”; and

in *claim 52*, line 14, “two mode” should read “two modes”.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

9. The rejection of **claims 51 and 53**, under 35 U.S.C. 101, as cited in the Office action dated 6/3/05, is withdrawn, as the changes set forth in the amendment overcomes the rejection.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 37-42, 50, and 51** are rejected under 35 U.S.C. 102(e) as being anticipated by Adler *et al.* (U.S. Patent Number 6,256,115, cited in the Office action dated 6/3/05).

Regarding **claim 37**, Adler discloses a communication apparatus (see Figs. 2a-2c, and 4) comprising means for connecting various types of networks which have unique formats and addresses, respectively (column 5, lines 5-22, and column 9, lines 18-45), means for receiving information data with destination address data via one of the networks from a transmission source (column 5, line 43-column 7, line 15, and column 10, line 46-column 11, line 59, and column 13, line 25-column 14, line 4), means for changing a format of the information data and the destination address data into another format corresponding to another type of network by discriminating the destination address data (column 5, line 66-column 6, line 42, column 11, line 60-column 12, line 17, and column 18, line 14-column 19, line 29), and means for selecting whether to continue communication via the network when the destination data is not received within a prescribed time for monitoring signal reception from the network after a session is started via the network (see Fig. 8, steps 206-216, column 11, line 60-column 12, line 17, and column 21, line 10-column 22, line 25, whereby the ), and means for selecting whether the communication is continued via the network when the information data is not received within a

Art Unit: 2622

prescribed time for monitoring signal reception from the network after a session is started via the network (see Fig. 8, steps 220-224, column 12, lines 3-17, and column 21, line 10-column 22, line 25).

Regarding **claim 38**, Adler discloses the apparatus discussed above in claim 37, and further teaches that the types of networks include a computer network (column 5, lines 5-22, and column 9, lines 18-45).

Regarding **claim 39**, Adler discloses the apparatus discussed above in claim 37, and further teaches that the types of networks include a public telephone network (column 5, lines 5-22, and column 9, lines 18-45).

Regarding **claim 40**, Adler discloses the apparatus discussed above in claim 37, and further teaches that the information data is image data in accordance with predetermined image format (column 5, line 66-column 6, line 42, column 11, line 60-column 12, line 17, and column 18, line 14-column 19, line 29).

Regarding **claim 41**, Adler discloses the apparatus discussed above in claim 37, and further teaches that the means for changing format changes the format from a predetermined format to an e-mail format (column 5, lines 12-42, and column 18, lines 14-41).

Regarding **claim 42**, Adler discloses the apparatus discussed above in claim 37, and further teaches that the means for changing a format changes the format from a facsimile format to a predetermined format (column 5, line 66-column 6, line 42, column 11, line 60-column 12, line 17, and column 18, line 14-column 19, line 29).

Regarding **claim 50**, Adler discloses a method for a communication apparatus (see Figs. 2a-2c, and 4) comprising the steps of connecting various types of networks which have unique

Art Unit: 2622

formats and addresses, respectively (column 5, lines 5-22, and column 9, lines 18-45), receiving information data with destination address data via one of the networks from a transmission source (column 5, line 43-column 7, line 15, and column 10, line 46-column 11, line 59, and column 13, line 25-column 14, line 4), changing a format of the information data and the destination address data into another format corresponding to another type of network by discriminating the destination address data (column 5, line 66-column 6, line 42, column 11, line 60-column 12, line 17, and column 18, line 14-column 19, line 29), and selecting whether the communication is continued via the network when the destination data is not received within a prescribed time for monitoring signal reception from the network after a session is started via the network (see Fig. 8, steps 206-216, column 11, line 60-column 12, line 17, and column 21, line 10-column 22, line 25), and selecting whether to continue the communication via the network when the information data is not received within a prescribed time for monitoring signal reception from the network after a session is started via the network (see Fig. 8, steps 220-224, column 12, lines 3-17, and column 21, line 10-column 22, line 25).

Regarding *claim 51*, Adler discloses a computer program stored on a computer readable medium, the computer program with computer readable media for a communication apparatus containing computer readable program code means for executing steps (see Figs. 2a-2c, and 4) comprising connecting various types of networks which have unique formats and addresses, respectively (column 5, lines 5-22, and column 9, lines 18-45), receiving information data with destination address data via one of the networks from a transmission source (column 5, line 43-column 7, line 15, and column 10, line 46-column 11, line 59, and column 13, line 25-column 14, line 4), changing a format of the information data and the destination address data into



Art Unit: 2622

another format corresponding to another type of network by discriminating the destination address data (column 5, line 66-column 6, line 42, column 11, line 60-column 12, line 17, and column 18, line 14-column 19, line 29), selecting whether the communication is continued via the network when the destination data is not received within a prescribed time for monitoring signal reception from the network after a session is started via the network (see Fig. 8, steps 206-216, column 11, line 60-column 12, line 17, and column 21, line 10-column 22, line 25), and selecting whether to continue the communication via the network when the information data is not received within a prescribed time for monitoring signal reception from the network after a session is started via the network (see Fig. 8, steps 220-224, column 12, lines 3-17, and column 21, line 10-column 22, line 25).

***Allowable Subject Matter***

12. **Claims 1-7, 9-19, 21-30, 32-36, and 53** are allowed.
13. **Claims 43-49 and 52** are objected to as indicated above, but would be allowable if rewritten to correct the minor informalities.
14. The following is a statement of reasons for the indication of allowable subject matter:  
  
Regarding ***claims 1, 13, 25, and 36***, in the examiner's opinion, it would not have been obvious to have the system, as claimed, include the features of having the two means for selecting whether to release the public telephone network and whether facsimile reception via the telephone network is started.

Art Unit: 2622

Regarding *claims 43, 52, and 53*, in the examiner's opinion, it would not have been obvious to have the system, as claimed, include the features of selecting between at least two modes of operation for continuing communication.

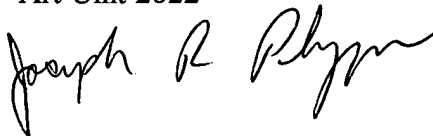
### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2622



jrp